

Minutes of the hearing of submissions on the proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2014 held in the Council Chambers, 10 Gorge Road, Queenstown on Monday 10 November 2014 commencing at 10.00 am.

Present:

Councillor Mel Gazzard (Chairperson), Councillor Calum MacLeod and Councillor Simon Stammers-Smith

In attendance:

Mr Lee Webster (Manager, Regulatory) and Ms Jane Robertson (Governance Advisor); 2 members of the public

Commencement of Hearing

The Governance Advisor called the meeting to order and asked the members to elect a Chairperson.

On the motion of Councillors MacLeod and Stammers-Smith the panel resolved that Councillor Gazzard be appointed to chair the hearing.

Councillor Gazzard took the Chair.

Declarations of Conflict of Interest

Councillor MacLeod advised that he held a licence for an establishment in Wanaka but he did not consider that this represented a conflict of interest necessary to exclude him from the hearing.

Confirmation Agenda

The agenda was confirmed without addition or alteration.

Hearing of Submissions

It was noted that the following submitters had confirmed their intention to speak at the hearing:

1. Reg Anderson
2. Dr Derek Bell for Southern District Health Board (SDHB)

A further submitter, Alex Cully, had advised since publication of the agenda of a decision not to appear at the hearing.

The Panel noted that 9 submissions in total had been received and all other submitters had declined the option of appearing at the hearing.

1. Mr Reg Anderson

Mr Anderson advised that he owned a small business across the road from the area of the lakefront where people tended to congregate and drink (along Marine Parade through to the playground in the Gardens). After 8pm he frequently observed many people remaining in this area, eating and drinking alcohol, adding that there was no control in these circumstances over the amount of alcohol consumed, in contrast to licensed premises. Furthermore, because open alcohol containers could not be carried back to accommodation, those drinking on the lakefront had either to consume everything in their possession by their time of departure or dispose of it. He questioned whether the presence of Nomads Backpackers in Church Street had contributed to the large number of young people drinking on the lakeside, but noted that a culture of excessive drinking was endemic in New Zealand.

Mr Anderson supported the police request for the ban to begin at 8pm instead of 10pm and disputed the claim that there were no costs to the Council as a result of drinking on the lakefront, pointing to the frequency of rubbish bin emptying and toilet cleaning. He did not believe that there would be many other places in New Zealand where members of the public could drink alcohol in the public domain until 10pm, adding that there were plenty of bars available where people could drink alcohol without having to do so in a public space.

Mr Anderson noted that despite the various problems associated with alcohol consumption in the lakefront area, he had never observed police patrolling there.

In discussion with Mr Webster, it was confirmed that the alcohol ban at new year had been introduced following consultation with police who had identified that there were particular problems associated with alcohol during that period.

2. Dr Derek Bell, Southern District Health Board

Dr Bell suggested that the Council define what was required in order to fulfil the Local Government Act's [LGA] need for evidence of a *'high level of crime and disorder made worse by the consumption of alcohol'*. He also drew attention to the words in the legislation which required a territorial authority only to *'be satisfied'* before making a bylaw, which he considered implied that there was room for discretion.

Dr Bell supported the police request to bring the alcohol ban commencement time forward to 8pm. He did not believe that many locals would object to the introduction of a measure which would place greater control over large groups of young people congregating and drinking alcohol on the lakefront. He considered that there was a conflicting message in the legislation, as a Council was required under the Sale and Supply of Alcohol Act 2012 to ensure the maintenance of high amenity and good order around licenced premises, whilst a *'high level of crime or disorder'* was needed under the LGA to introduce a liquor ban. He questioned what sort of evidence was envisaged and whether it would take a brawl or drowning to reach the required threshold.

Dr Bell described the scene observed when he had visited the area recently just before midday, when he had noticed a group of 10-15 youth around the Memorial Gates with a pyramid of boxes of beer. In his view, this suggested that they had plans for a few hours of drinking on the lakefront, and whilst he did not object to people having fun, he observed that a crowded beach combined with high levels of alcohol consumption was a potential recipe for conflict.

Dr Bell asserted that the problem was the amount of alcohol drunk rather than the practice of drinking on the lakefront in principle and he believed that the difficulty lay in differentiating between the extremes of behaviour in alcohol use.

The Chairperson thanked the submitters for their time and effort in making submissions and advised that the final bylaw would be presented to the Council at its 18 December meeting, with or without amendment.

The submitters left the meeting at 10.24am.

Deliberations

Enforcement

The panel noted that whilst the bylaw created the tool whereby enforcement could be undertaken, it was solely the role of police to undertake actual enforcement. Mr Webster advised that he had encouraged hoteliers, especially those located on the lakefront, to have no hesitation in calling police to report incidents of trespassing, vandalising or bad language associated with excessive alcohol consumption. He noted that whether or not police managed to apprehend the person, the act of attending a complaint allowed a record of alcohol related harm to be built.

Members agreed that a higher police presence on the streets would reduce the issues, but noted that this appeared to be limited by the resources available.

Conflicting views

Members observed that alcohol bans were blunt instruments which affected all people, regardless of their behaviour. Councillor MacLeod noted that there was a site adjacent to Lake Hawea that some members of the community had wanted to add to the alcohol ban area, but others had not supported this as they themselves enjoyed having picnics (which may involve alcohol consumption) in this area.

Collection of evidence to change bylaw

Mr Webster advised that although the Council had a legal obligation review its bylaws every five years, it was also able to review them at any time within this period. Accordingly, if police were to produce information which suggested a high level of crime or disorder caused by alcohol consumption in a particular area, the Council could consult specifically on amending the bylaw to include this area in the liquor ban zone.

Members noted that 'high level' was not defined in the LGA which suggested that it was open to interpretation and could be defined differently for different communities.

Similarly, the nature of the 'evidence' was not defined, but they agreed that it would hold significantly more weight if collected and presented by the police. A lack of evidence had been the failing with the police request for the liquor ban to commence at 8pm and for this reason, the panel could not support this request. However, by responding to calls about alcohol-related disorder, police would be able to build data to corroborate any future change sought to the liquor ban provisions.

The panel asked staff to communicate this point to police, indicating sympathy for the police submission but requesting them to actively monitor alcohol-related harm and attend incidents demonstrating the ill-effects of alcohol so that these incidents would constitute specific evidence in the future.

General

In response to the comments made at the hearing about the need to clear rubbish bins more frequently as a result of alcohol consumption, Mr Webster confirmed that an initiative was underway to increase the capacity of Council rubbish bins.

Members agreed that it was fair to conclude that the low number of submissions indicated that most of the community was satisfied with the provisions proposed in the draft bylaw.

Decision

On the motion of Councillors Stammers-Smith and MacLeod it was resolved:

- 1. That the panel recommends to Council that the Queenstown Lakes District Council Alcohol Ban Bylaw 2014 be adopted without amendments; and**
- 2. That staff be instructed to request police to monitor the level of crime and disorder which has been made worse by alcohol consumption to assist in any future review of the Alcohol Ban Bylaw 2014.**

Members asked staff to write to all submitters advising of the substance of hearing, deliberations and decision and circulate this before the agenda containing the bylaw for adoption was publicly released.

The meeting concluded at 10.56am.